

## **REMARKS**

By this amendment all of the previous claims have been cancelled and new claims 57 – 65 have been added. Claim 57 is the only independent claim remaining in the case. It defines a method for producing a video presentation in a digital video camera. The digital video camera includes an image sensor, display and a memory. An important feature of this invention is that the memory can store a set of programmed instructions associated with a particular event or theme and these programmed instructions include capture instructions for instructing the processor to provide guidance to a user to enable the user to capture a plurality of user-captured motion image sequences; a plurality of pre-stored motion image sequences to be incorporated in the video presentation; and control instructions for instructing the processor to automatically assemble the video presentation. In element b) the capture instructions guide the user while capturing a plurality of user-captured motion image sequences which are then stored in memory. In element d) the control instructions automatically assemble the video presentations by causing the processor to form at least one composite motion image sequence including at least a portion of one user-captured motion image sequence and at least a portion of one pre-stored motion image sequence.

The following two paragraphs are taken from the specification and provide support for features in claim 57. Page 13, lines 8 to 19: Numerous special effects can be employed for further customization of presentation 72. These include, for example, slow motion, accelerated motion, auto-rotoscope, programmable time-lapse, time-reversal, image mirroring, and geometric distortion. Special effects can be applied at the time of image sequence capture or during final processing in preparing presentation 72. These effects are provided as part of the digital director software and can be automatically used for particular sequences. For example, an sequence of the “birthday boy” blowing out the candles on his birthday cake can be shown in the slow-motion “forward” (e.g. normal) direction, and then shown in the slow-motion “backward” direction, so that it appears that the candles are magically re-lighted. Similarly, by using “time-reversal,” gifts can be re-wrapped and cakes can be re-assembled from cut pieces..

Page 15, line 21 to page 16, line 3: In a preferred embodiment, the control track provided by the digital director defines the way in which the foreground live image is composited into the background video track. The control track can include camera 12 control information that defines the camera 12 motion (such as

zooming, panning, and rotation) of the background video track. This enables the same camera 12 motion to be digitally simulated in the live camera 12 image. For example, during a particular sequence, the background video can slowly pan to the left while zooming in. Using this technique, camera 12 itself can be stationary during the capture of the music video sequence, unchanged with respect to actual zoom position and other settings. The control track enables the digital video sequence captured by camera 12 to be digitally manipulated within image capture and processing apparatus 14 itself, thereby producing an apparent pan and zoom sequence. Thus, without requiring sophisticated camera 12 controls or capture techniques, the digital director enables a visually interesting and realistic sequence to be produced.

The previous claims were rejected and the following references were cited.

Claims 33-39 and 44-51 and 54 have been rejected under 35 U.S.C § 102(e) as allegedly anticipated by U.S. Patent Application Publication No. 2004/0095474 Matsufune in view of U.S. Patent 6,292,219 to Fredlund et al. Claims 52, 53, 55 and 56 were rejected under 35 USC 103(a) as being unpatentable over U.S. Patent Application Publication 2004/0095474 A1 to Matsufune in view of U.S. Patent 6,292,219 to Fredlund et al in further view of U.S. Patent 5,914,748 to Parulski et al.

Matsufune is understood to teach forming a video template including scenes (FIG. 4). Some of the scenes include fixed content (e.g., scenes 1, 3, and 5 in FIG. 4), and some of the scenes are shot by a camera operator (“shooting scenes”) (e.g., scenes 2 and 4 in FIG. 4). See paragraphs [0154]-[0162]. Before the shooting scenes are shot, an image of shooting instructions is temporarily stored as each of the shooting scenes (see FIG. 7 for scene 2 and FIG. 8 for scene 4; see also FIG. 16). Once the shooting scenes are shot by a camera operator, the images of shooting instructions are replaced by the content actually shot by the camera operator for those scenes (e.g., see FIGS. 23-24).

However, Matsufune is not understood to teach or suggest using the control instructions to automatically assemble the video presentation, wherein the control instructions cause the processor to form at least one composite motion image sequence including at least a portion of one user-captured motion image sequence and at least a portion of one pre-stored motion image sequence as set forth in Claim 57.

All templates referred to in Matsufune are user created. There no reference in paragraphs 387, 388, and 389 as to how the "control information" from the template actually controls the camera. The user created templates (images of hand written instructions recorded by the video camera) are used as sequential place holders for user captured scenes, no image compositing or effects are mentioned.

Applicants believe that fair reading of Matsufune does not provide one skilled in the art with any disclosure as to how to automatically assemble the digital presentation including at least a portion of one user-captured motion image sequence and at least a portion of one pre-stored motion image sequence in a video camera. Accordingly it is believed that claim 57 defines unobvious subject matter over Matsufune.

Fredlund is directed toward image processing systems where the camera applies pre-stored images and effects to a video stream. In particular, the pre-stored images are segues between user captured scenes. Effects are applied to the user captured scenes. However, Fredlund does not describe, teach or provide any motivation for the capture instructions, let alone capture instructions associated with a particular event or theme as set forth in claim 57. Furthermore, Fredlund does not include the control instructions that automatically assemble the video.


Applicants agree with Examiner's understanding of the teaching of Parulski. Parulski was used in rejecting now cancelled dependent claims. Applicants do not believe that Parulski is relevant to the current claims. Parulski does not describe, teach or provide any motivation for pre-stored motion sequences or capture instructions, let alone capture instructions associated with a particular event or theme as set forth in claim 57. Furthermore, Parulski does not include the control instructions that automatically assemble the video.

Assuming for the sake of argument only that Matsufune can be combined with Fredlund and Parulski, Applicants do not believe that any of these references provide any disclosure or suggestion for the important features found in claim 57 for automatically assemble the digital presentation including at least a portion of one user-captured motion image sequence and at least a portion of one pre-stored motion image sequence in a video camera.

It is believed that new claim 57 and its dependent claims set for forth new and unobvious subject matter. If there are any problems with these new claims, Applicants' attorney would appreciate a telephone call.

In view of the foregoing, it is believed none of the references, taken singly or in combination, disclose the claimed invention. Accordingly, this application is believed to be in condition for allowance, the notice of which is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'R. L. Owens', written over a horizontal line.

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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.